
**REQUEST TO MODIFY CONDITIONS OF BZA-1591
EDWARD J. AND CAROL A. PURDY**
**Two requests to modify a special exception approved
December 5, 2001**

STAFF REPORT
July 20, 2006

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REQUEST MADE, PROPOSED USE, LOCATION:

The 180 acres involved in BZA-1591 received a special exception to allow mining and quarrying of nonmetallic mineral (SIC 14) operating during daylight hours only, seven days a week, for a period of 20 years beginning May 2002 and ending May 2022, with an additional 18 months for reclamation.

Petitioners, who are also the property owners, represented by Daniel Teder, attorney, are "requesting that all exhibits and statements made in BZA-1591 be modified in accordance with the [following] Commitments:"

- 1 "That upon completion of the mining operation and reclamation of the portion of the Real Estate designated or identified as the reclamation area, said Real Estate shall only be used for agricultural uses, residential uses and other uses compatible with agricultural and residential uses"; and
- 2 "The number of semi trucks, dump trucks, cement trucks, and other trucks used for hauling materials to and from the real estate in connection with all businesses or businesses operated thereon, excluding personal vehicles of employees, staff or owners...or visitors...entering the Real Estate shall be limited to Two Hundred Fifty (250) per day and the number of Trucks leaving the Real Estate shall be limited to Two Hundred Fifty (250) per day."

The site is located at the southeast corner of CR 150 E and CR 510 S, Wea (E1/2) 22-4.

STAFF COMMENTS:

This petition is the second modification of commitments regarding the mining operation special exception located at CR 510 S and S 18th Street, granted in 2001 (BZA-1591). The first modification from April 2006 involved temporarily relocating required setbacks and bufferyards during Mining Phase I prior to beginning the second portion of the mining operation. The current request involves two modifications: one to expand the reclamation area to include the proposed batch plant location (for which the County Commissioners granted a rezone request from A to I3 in July 2006) and restrict land uses after reclamation and the second to limit traffic to 500 truck trips per day: 250 entering and 250 exiting the site.

In this expansion of the original reclamation plan, petitioners have included the location of the proposed batch plant and limited the land use to agricultural or residential uses only. Additionally, this reclamation plan essentially limits the life of the proposed batch plant to 17 years, as it will be reclaimed with the end of the mining operation to begin in 2022.

The second request modifies the original commitment recorded in June 2002, which limited the amount of trucks entering the gravel mining operation on S 18th Street to ten trucks entering the site and ten trucks leaving the site per day. This commitment will remain in effect until reclamation of the existing Purdy gravel pit on CR 100 E begins in April 2007. After that time, this new commitment will take effect.

At the hearing for BZA-1591 on October 24, 2001, it was stated by petitioners' attorney that the mining operation would generate a maximum of 250 trucks per day. That number was clarified by Brian Anderson of Purdy Materials to mean 500 truck trips per day. Petitioners state that, with this commitment, they are putting a limit on the amount of truck traffic entering and leaving the gravel pit and batch plant site as intended in 2001.

The following table contains information based on order tickets from the existing gravel pit on S 9th Street and batch plant on Old US 231 provided to staff by petitioners for rezone case Z-2295.

From: June 14, 2006, approximately 6:19 a.m. – 4:31 p.m.

| | Number of trucks | Trips per day |
|--|----------------------------|---------------|
| Trucks leaving the Old US 231 batch plant site with ready-mix material | 31 | 62 |
| Loaded trucks leaving the S 9th Street gravel pit | 102 | 204 |
| Trucks entering the Old US 231 batch plant site with lime and concrete | 1 | 2 |
| | Total trips per day | 268 |

Petitioners estimated 500 trucks trips per day in 2001. From the information provided these numbers reflect a "good day" in summer, when business is at its highest; however, the request for 500 truck trips per day are double the trips reported. The estimate of 500 truck trips per day was never reviewed or challenged by staff and furthermore, staff can find no evidence to prove need; numbers in this report were taken from information provided by petitioners. This amount of truck traffic requested is too intense for the area and a gross overestimate of daily business.

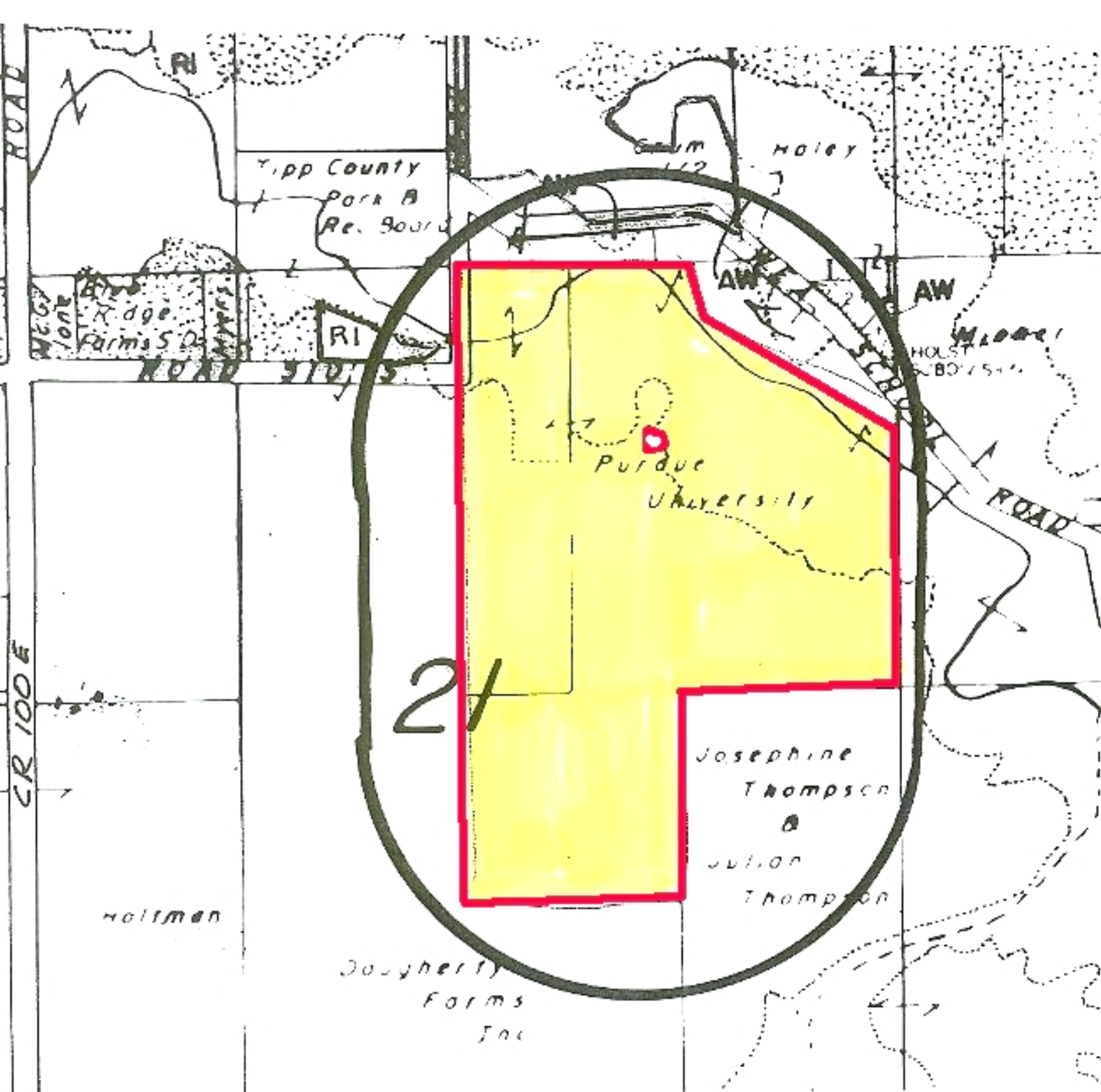
STAFF RECOMMENDATION:

Modification Request #1: Approval

Modification Request #2: Denial

With the following conditions:

1. Record the expanded reclamation plan which includes the location of the proposed batch plant; and
2. If modification request #2 is approved, record a commitment limiting the number of daily truck trips to 500: 250 entering the site and 250 leaving the site.



CR 100 E

ROAD

Tipp County
Park B
Re. Ground

HOLEY

AW

AW

HOLST

BO

Ridge
Farms S.D.

RI

Purdue
University

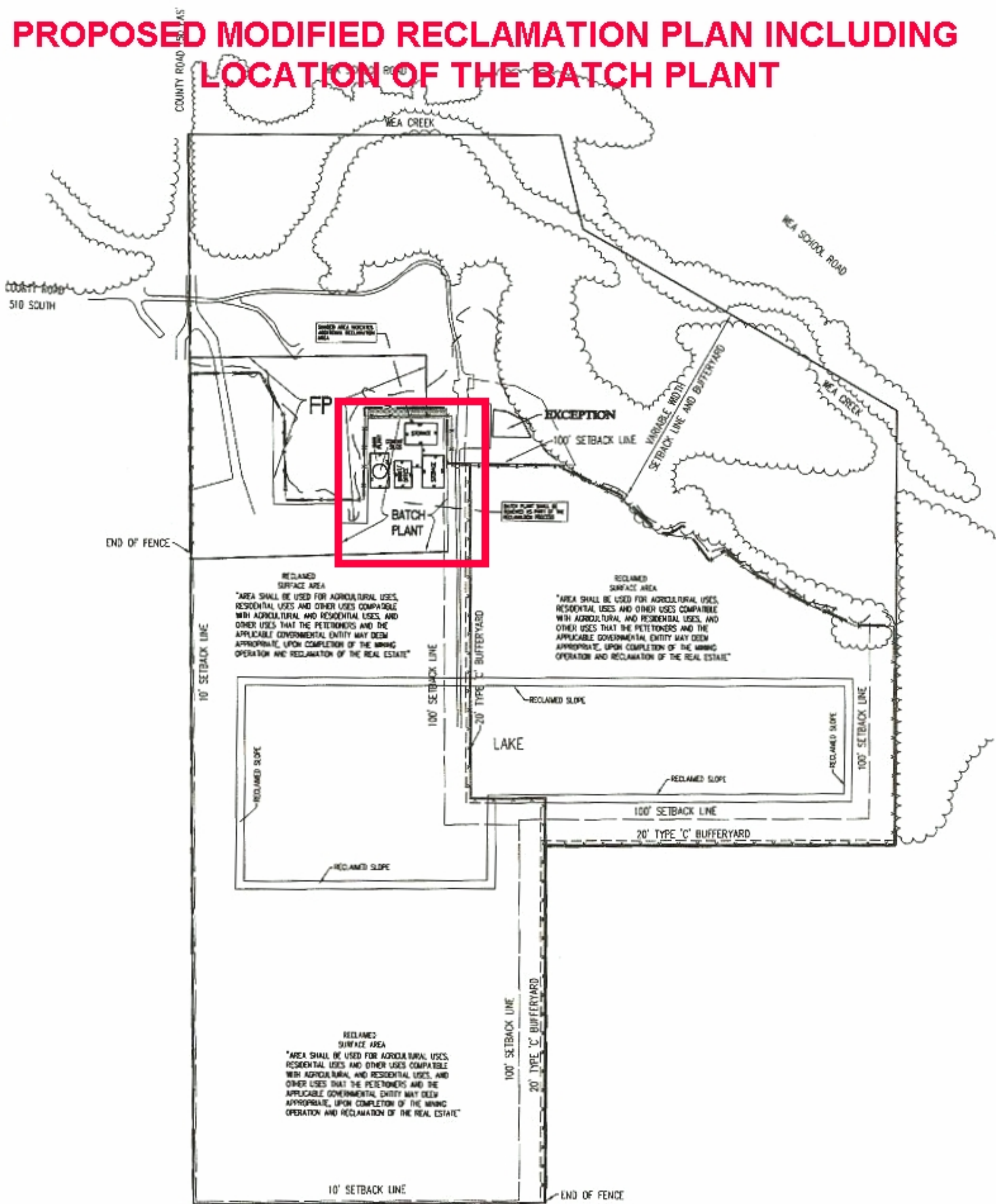
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Josephine
Thompson
&
Julian
Thompson

Holtman

Dougherty
Farms
Inc

PROPOSED MODIFIED RECLAMATION PLAN INCLUDING LOCATION OF THE BATCH PLANT



ORIGINAL RECLAMATION PLAN FROM BZA 1591

